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Yifeng Lu

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EXAMINER

HUANG, WEN WU

ART UNIT

PAPER NUMBER

2618

MAIL DATE

DELIVERY MODE

10/16/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ADVISORY ACTION

Response to Arguments

Applicant's arguments filed 9/24/08 have been fully considered but they are not persuasive.

The Applicant argues that Hayama is silent to teaching "using the same downlink special scrambling code to broadcast the same content of the real time broadcast service to the mobile terminal in the cells of the broadcast service hierarchy" and . However, the Examiner respectfully disagrees.

More specifically, the Applicant argues the PN code (scrambling code) with different offset is applied to the broadcast content. Therefore, the Applicant asserted that Hayama fails to use the same scrambling code.

The Examiner submits that it is well known in the art that generally the PN code is identical for all base stations in the cellular network. However, each base station typically applies the PN code using a different time delay from the other base stations. Verbatim record for said general knowledge can be found in Rick et al (US 6,707,842 B2), col. 3, lines 12-15).

The Examiner submits that claim 14 does not require the scrambling code (PN code) of different cells to have the same offset. Thus, Hayama teaches applying the same PN code with different offset to broadcast the same content in the hierarchy.

The Applicant further argues that Hayama is silent to teaching "signals of the real time broadcast service transmitted in the cells of the broadcast service hierarchy are the same". However, the Examiner respectfully disagrees.

Firstly, the Examiner would like submit that the Examiner's interpretation of the limitation in question is very different from the Applicant's interpretation based on the Applicant's Remarks filed 9/24/08.

The Examiner, based on the broadest reasonable interpretation consistent with the specification, submits that "signals of the real time broadcast transmitted" is taught by Hayama's teaching of transmitting broadcast content (News), (see Hayama, fig. 16, news SQ 850) to Mobile Exchange Center and to Base Stations in the cells of the hierarchy. Furthermore, it is clear from Hayama that the broadcast content is the same in the hierarchy.

Thus, the Examiner submits that Hayama teaches "signals of the real time broadcast service transmitted in the cells of the broadcast service hierarchy are the same".

The Applicant's argument is based on a very different interpretation that is not enabled and not supported by the specification. The Applicant asserted that "signals of the real time broadcast transmitted" by each base station in the cells of the hierarchy is the same. The Examiner submits that nowhere in the specification and claims requires "signals of the real time broadcast transmitted" by each base station in the cells of the hierarchy is the same.

The Applicant attempted to support this interpretation by suggesting that because each BS applies the same scrambling code to the same content, the signals transmitted by each BS has to be the same. However, the Examiner disagrees as can be shown otherwise by Hayama.

Furthermore, the Applicant attempted to support its interpretation by claim 20 which recites an interference cancellation function of the mobile station. However, the Examiner submits that nowhere in the specification and claim 20 suggests that the same identical RF signals of broadcast service are transmitted by each base station in the hierarchy in a RAKE combinable manner or an interference cancellation manner.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WEN W. HUANG whose telephone number is (571)272-7852. The examiner can normally be reached on 10am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2618

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/W. W. H./
Examiner, Art Unit 2618

/Matthew D. Anderson/
Supervisory Patent Examiner, Art Unit 2618